

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions and listings of claims in the application:

**LISTING OF CLAIMS:**

Claims 1-36 (cancelled)

Claim 37 (new): A method for obtaining a nucleotide sequence that codes for the active part of a polypeptide specifically active for larvae of *S. littoralis*, wherein the method comprises:

(A) hybridizing at least one nucleotide probe to DNA from a strain of *B. thuringiensis* active against *S. littoralis*, wherein at least one nucleotide probe is derived from the 5' part of a restriction fragment of a gene for  $\delta$  endotoxin of *B. thuringiensis* strain aizawa 7-29;

(B) isolating the DNA from the strain of *B. thuringiensis* active against *S. littoralis* that hybridized to the probe;

(C) cloning the isolated DNA into a vector; and

(D) purifying the vector to thereby obtain the nucleotide sequence that codes for the active part of a polypeptide specifically active for larvae of *S. littoralis*;

wherein the specifically active polypeptide has (1) a specificity index of less than 1.0 and (2) a higher specific toxic activity towards *S. littoralis* than the native crystal proteins of the strains *aizawai* 7-29 or *berliner* 1715.

Claim 38 (new): The method as claimed in claim 37, wherein the nucleotide probe comprises the HindIII-PstI restriction fragment of the  $\delta$  endotoxin of *B. thuringiensis* strain *aizawa* 7-29.

Claim 39 (new): The method as claimed in claim 37, wherein the nucleotide probe comprises the HincII-PstI fragment of the  $\delta$  endotoxin of *B. thuringiensis* strain *aizawa* 7-29 and further comprises the HindIII- HincII restriction fragment of *B. thuringiensis* strain *entomocidus* 6-01.

Claim 40 (new): The method as claimed in claim 37, wherein the nucleotide probe encodes amino acids 281-620 of the  $\delta$  endotoxin of *B. thuringiensis* strain *aizawa* 7-29.

Claim 41 (new): The method as claimed in claim 37, wherein the specificity index is less than 0.5.

Claim 42 (new): The method as claimed in claim 38, wherein the specificity index is less than 0.5.

Claim 43 (new): The method as claimed in claim 39, wherein the specificity index is less than 0.5.

Claim 44 (new): The method as claimed in claim 40, wherein the specificity index is less than 0.5.

Claim 45 (new): The method as claimed in claim 37, wherein the specific toxic activity of the specifically active polypeptide towards *S. littoralis* is greater than 2.5 times the specific toxic activity of the native crystal proteins of the strains *aizawai* 7-29 or *berliner* 1715 towards *S. littoralis*.

Claim 46 (new): The method as claimed in claim 38, wherein the specific toxic activity of the specifically active polypeptide towards *S. littoralis* is greater than 2.5 times the specific toxic activity of the native crystal proteins of the strains *aizawai* 7-29 or *berliner* 1715 towards *S. littoralis*.

Claim 47 (new): The method as claimed in claim 39, wherein the specific toxic activity of the specifically active polypeptide towards *S. littoralis* is greater than 2.5 times the specific toxic activity of the native crystal proteins of the strains *aizawai* 7-29 or *berliner* 1715 towards *S. littoralis*.

Claim 48 (new): The method as claimed in claim 40, wherein the specific toxic activity of the specifically active polypeptide towards *S. littoralis* is greater than 2.5 times the specific toxic activity of the native crystal proteins of the strains *aizawai* 7-29 or *berliner* 1715 towards *S. littoralis*.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER <sup>LLP</sup>

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
[www.finnegan.com](http://www.finnegan.com)